

SUBDIVISION REGULATIONS
OF
ST. LOUIS COUNTY, MINNESOTA

ORDINANCE NUMBER 33

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ST. LOUIS COUNTY SUBDIVISION REGULATIONS

Article I General Provisions

Section 1 Title:

This Ordinance shall be known as The Subdivision Regulations of St. Louis County and will be referred to herein as "this Ordinance".

Section 2 Authority:

This Ordinance has been adopted in accordance with Minnesota Statutes, Chapters 394 and 505.

Section 3 Purpose:

3.01 The intent of these regulations is as follows:

- a. To protect and provide for the public

health, safety and general welfare.

- b. To coordinate land subdivision with County and other government land use plans and regulations.
- c. To insure proper legal descriptions and monumenting of subdivided land.
- d. To provide for protection from environmental degradation of the County.
- e. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- f. To prevent unnecessary public expenditures by discouraging urban sprawl and encouraging use of existing facilities and coordinating new facilities with existing facilities.
- g. To encourage developers to use creative approaches to land development in a manner that protects the environment and prevents adverse physical, social and economic impacts upon the neighborhood, Town and County.

Section 4 Scope:

4.01 This Ordinance shall apply to and be

binding upon all the area of St. Louis County outside the incorporated limits of municipalities, excepting this Ordinance shall not apply when:

- a. Subdivisions are proposed within two miles of the corporate limits of a city that has extended such subdivision controls according to Section 462.358, Minnesota Statutes. The County and Towns have an interest and responsibility in protecting the public's health, safety and welfare within a city's extraterritorial subdivision jurisdiction. Therefore, the Board may develop measures that encourage coordination of subdivision proposals in such instances.
- b. Urban towns that adopted subdivision resolutions according to Section 505.03, Minnesota Statutes.

4.02 This Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the Office of the County Recorder prior to the effective date of this Ordinance or to any preliminary plats which have had a public hearing before the Commission, nor is it intended by this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with, this Ordinance, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law,

ordinance, contract or deed, the provisions of this Ordinance shall prevail. This provision does not apply to resubdivision.

- 4.03 A person shall apply for subdivision plat approval when:
- a. Whenever more than one lot per year, less than 5 acres in size, per forty or government lot, is created along a public road.
 - b. Whenever more than one lot per year, less than 5 acres in size, per forty or government lot, is created in an area that is water access only. Water access only parcels are those parcels that have no provisions for road access through an easement or other similar agreement and that there is no road that could feasibly provide access to the parcel within two miles of the parcel.
 - c. Any land division requiring a new road. A road is defined as any way that serves more than two parcels per forty or government lot. A road shall also exist if more than two forties or government lots are divided into two parcels per forty and served by the same road.
 - d. Resubdivision of a previously approved subdivision.

- 4.04 A person does not have to apply for subdivision plat approval when:
- a. Transfers of interest in land by will or pursuant to court order.

- b. One lot per twelve month period along a publicly maintained road not to exceed three lots per forty or government lot from the original parcel in a ten year period. All lots created in this manner must either be 2 1/2 acres or larger in size or meet the requirements of the Zoning Ordinance, whichever is more restrictive.
- c. The creation of two lots along a private driveway per forty or government lot not to exceed four lots created in this manner along a single driveway. All lots created in this manner must be 2 1/2 acres in area or meet the requirements of the Zoning Ordinance, whichever standard is more restrictive.
- d. The creation of lots of five acres or more with a minimum lot width of 300 feet provided all lots created conform with the Zoning and Sanitary Ordinances and all such lots are along an improved publicly maintained road or are a water access lot.
- e. A certificate of Survey Subdivision is done on the property.

Section 5 Minimum Requirements:

The requirements listed in this Ordinance shall be construed as minimum requirements and the County Board shall have the authority to impose additional reasonable standards to protect the public's health, safety and general welfare.

Section 6 Regulation Waivers:

Where the Commission finds that, due to the special circumstances of a particular proposal, the provision of certain required improvements is not

requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or a lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance, or this Ordinance.

In granting waivers, the Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so waived. A waiver may only be approved if both of the standards listed below can be met.

- a. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive that applicant of the reasonable use of his land or have an adverse impact upon the environment.
- b. That the granting of the waiver will not be detrimental to the public welfare or injurious to other property in the vicinity of the property being developed or for future residents of proposed subdivision.

Section 7 Public Hearings and Notification:

7.01 Public hearings are required for all subdivision proposals. Property owners within one-half mile of a proposed subdivision shall be notified of the hearing. The County shall make a reasonable effort to notify property owners.

7.02 The Board hereby designates the Commission

as the body responsible at the County level to hold public hearings for all subdivisions. Public hearings shall be held at the preliminary plat stage.

Section 8 Certificate of Survey subdivision conveyance of parcels of land by metes and bounds description shall be allowed for the division of a full government subdivision into a maximum of five tracts provided that:

- a. All lots meet the current lot size requirements of the Zoning Ordinance and in no situation shall a lot be created that is less than 2 1/2 acres and 200 feet in width with a minimum lot depth at the building site of 300 feet.
- b. All lots have direct access onto a publicly maintained road. Water access only lots may be created if located on a lake with a public access and no public or private road exists within two miles of the property excluding distance across the water body.
- c. A certificate of survey is filed in the Office of the County Surveyor and recorded in the Office of the County Recorder of Registrar of Titles with approval of the Director of the Planning and Zoning Department endorsed thereon.

8.01 If a property owner controls less than a full government subdivision, the land may be divided in accordance with the standards found in this section, but the number of lots allowed shall be proportional to ownership interest as a share of the government subdivision.

Article II Definitions

1.01 For the purpose of this Ordinance, certain terms

and words are hereby defined. The word person includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual; the present tense includes the future tense, the singular number shall include the plural and the plural the singular; the word shall is mandatory, and the word may is permissive; the words used or occupied include the words intended, designed or arranged to be used or occupied.

1.02 Other words or terms as used in this Ordinance have meanings given them in this section as follows:

Access: A way or approaching or entering property without trespassing upon another person's property.

Alley: A way used primarily as a service or secondary access to the rear or side of a property which abuts on a street.

Angle of repose for saturated soil conditions: The angle of maximum slope at which the soil is stable.

Attorney: The St. Louis county Attorney or authorized representative.

Auditor: The County Auditor of St. Louis County or authorized representative.

Block: An area of land within a subdivision which is usually bounded by roads or other permanent barriers including water courses, permanent open spaces and railroad tracks.

Bluff: A Bluff shall be defined according to the St. Louis County Zoning Ordinance and includes the various classes of bluffs found within the County.

Bluff impact zone: A bluff and land located within

20 feet from the top of a bluff.

Board: The St. Louis County Board of Commissioners.

Commission: The St. Louis County Planning Commission.

Comprehensive Plan: A document or series of documents adopted by the Board or Town setting forth policies for the future development of the County, portions of the County or Towns.

Concept Plan: A drawing to rough scale showing a developer's initial ideas regarding a proposed subdivision.

Corner Lot: A lot located at the intersection of two or more streets having an angle of intersection of not less than 70 degrees.

County: St. Louis County, Minnesota.

Covenant Deed Restriction: A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

Critical erosion areas: Areas subject to accelerated erosion, especially those contributing to the siltation of wetlands and the sediment load of streams.

Cul-de-Sac: A local street with only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

Debris basin: A barrier or dam built across a water course to retain rock, sand, gravel, silt or other material.

Dedicate: The voluntary giving of private property

for some public or community use by the developer.

Developer: Any person proposing to subdivide property.

Director: The Director of the St. Louis County Planning and Zoning Department or designated representative.

District: Either the North or the South St. Louis County Soil and Water Conservation District.

Driveway: A way not designed or intended to serve as a road; rather a driveway provides access for not more than two dwellings or other principle uses to a road at a density not higher than two dwellings per quarter quarter section or government lot.

Easement: A nonpossessing interest held by one person, group, or government in land of another person whereby the first person, group or government is accorded partial use of such land for specific purposes. Easements fall into three broad classifications: surface easements, subsurface easements, and overhead easements.

Engineer: The County Highway Engineer of St. Louis County or authorized representative.

Environmental Review: Procedures required in the preparation of Environmental Assessment or Environmental Impact Statements as set forth by the Minnesota Environmental Quality Board and/or St. Louis County.

Erosion: The wearing away of land surfaces by the action of wind, water, gravity, or any combination thereof.

Final Plat: A drawing, in final form, showing a proposed subdivision containing all information and

detail required by State Statutes and by this Ordinance to be presented to the Board for approval and which, if approved, may be duly filed with the County Recorder.

Flexible zoning devices: Regulations where development is guided through use of density controls rather than traditional zoning lot area requirements.

Flood Plain: The area adjoining a watercourse which has been or hereafter may be covered by flood waters.

Frontage: That portion of a lot nearest the road or a body of water if the lot has water frontage. For the purpose of determining yard requirements on corner lots and through lots, all portions of a lot adjacent to streets shall be considered frontage.

Grade/Slope: The slope of a surface, such as a lot or road with the vertical rise or fall expressed as a percentage of horizontal distance, e.g. a 3% upgrade means a rise of three feet per one hundred feet of horizontal distance.

Grading: Any stripping, cutting, filling, stockpiling, or any combination thereof which shall include the land in its cut or filled condition.

Half-street: A road right-of-way of less than 66 feet located on the boundaries of a subdivision.

Health Officer: The County Health Officer of St. Louis County or authorized representative.

Improvement - Community: Any sanitary sewer, storm sewer, drainage ditch, watermain, roadway, parkway, bridge, sidewalk, pedestrian way, planting strip, or other facility for which the community rather than private individuals may ultimately assume the

responsibility for maintenance and operation.

Intensive vegetation clearing: Shall be defined in accordance with the standards set forth in the St. Louis County Zoning Ordinance.

Land disturbing activity: Any construction, excavation, clearing, grading, transporting or other disruption of the soil that may cause or contribute to sedimentation.

Lot: A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building purpose. A lot may be created as part of a subdivision, metes and bounds description, or other device used for description.

Lot, Corner: A lot abutting upon two intersecting streets.

Lot of Record: Shall be defined in accordance with the County Zoning Ordinance.

Lot, Through or double frontage: A lot having frontage on two non-intersecting streets

Lot Width: The distance between the side lot lines measured at the building line.

Metes and Bounds: A description of a tract or parcel of land by course and distance, by reference to natural or artificial monuments, or any other method or means, except by the following:

- 1) By a full government subdivision; or
- 2) By a simple fractional or quantity part of a full government subdivision; or
- 3) By reference to a record survey filed in the Office of the County Recorder or

Registrar of Titles in accordance with Minnesota Statutes, Chapters 505, 508, 515, or 515A.

Open Space: An area under community but not necessarily government ownership, which can be used for recreational or aesthetic purposes. Parking lots, roads, residential, commercial and accessory buildings shall not be considered Open Space. Structures intended for recreational purposes may be considered Open Space.

Parcel: The original property that existed prior to creation of lots.

Planned Unit Development: A type of land development utilizing common open space and density controls rather than the conventional lot development. All planned unit developments shall meet the standards set forth in the Zoning Ordinance.

Preliminary Plat: A drawing and related written materials, documents and information required by the Commission in order to adequately review a proposed development.

Private Road or Reserve Strip: A drive, roadway, or strip of land reserved for the use of a limited number of persons or purposes.

Public Walkway: A way designated for use of pedestrian traffic.

Registered Land Surveyor: A surveyor currently registered to practice surveying in the State of Minnesota under Minnesota Statutes 326.10.

Resubdivision: Any rearrangement of lot lines in a previously approved subdivision.

Right-of-way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, watermain, sanitary or storm sewer or for similar public purpose.

Road: A public or private way which affords primary means of access by pedestrians and vehicles to adjacent properties whether designated as a drive, easement, street, avenue, highway, road, boulevard, cartway, or however otherwise designated.

Road, Arterial: A road of considerable continuity, which is used primarily for heavy through traffic between major generation areas.

Road, Forest: A local road where projected traffic volumes are such that the standards set forth for local roads are not necessary to protect the public's health, safety and welfare. Generally forest roads shall be limited to areas of seasonal development or where development is such low density that traffic generation potential does not warrant a wider driving surface.

Road, Local: A minor road which is used primarily for access to abutting properties and is not intended for through traffic.

Road, Major Collector: All roads classified as a major or minor collector by the St. Louis County Highway Department, Minnesota Department of Transportation or an adopted comprehensive plan.

Road, Neighborhood Collector: A road within a subdivision that serves or has the potential of serving as a connection between roads within the subdivision or adjacent lands to other collector or arterial roads.

Sediment: Solid particulate matter, both mineral

and organic, that has been moved from its site of origin or is in suspension in water, or is being transported by air, water, gravity, or ice.

Sediment pool: The reservoir space allotted to the accumulation of sediment.

Sewage treatment system: Sewage treatment system shall be defined by the St. Louis County On-Site Sewage Treatment Ordinance and MPCA on-site sewage treatment regulations.

Shore impact zone: Shall be defined in accordance with the standards set forth in the St. Louis County Zoning Ordinance.

Soil: All unconsolidated mineral and organic material of whatever origin that overlies bedrock and which can be readily excavated.

Steep slope: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Subdivision: Land divided or redivided into two or more lots for purpose of sale or long term lease when person leasing the land is permitted to construct a building for residential, commercial or industrial purposes.

Surveyor: The County Surveyor of St. Louis County or designated representative.

Temporary protection: Stabilization of erosive or sediment-producing areas by mulching or by installing temporary structures.

Toe of the bluff: The lower point of a 50-foot segment with an average slope exceeding 18 percent.

Top of the bluff: The higher point of a 50-foot segment with an average slope exceeding 18 percent.

Town Planning Commission: The body designated by the Town Board in those Towns with their own planning and zoning authority that has the responsibility to approve subdivisions.

Vegetative protection: Stabilization of erosive or sediment-producing areas by covering soil with:

1. Permanent seeding, producing long-term vegetative cover,
2. Short-term seeding, producing temporary vegetative cover, or
3. Sodding, producing areas covered with a turf of perennial sod-forming grass.
4. Mulching in accordance with Soil Conservation

Service Standards.

Walk and Bikeway: A way designated for use by pedestrians or bicycles.

Watercourse: Any natural or artificial waterway, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has

a definite channel, bed and banks, and shall include any area adjacent thereto subject to inundation by overflow or flood water.

Wetland: Shall be defined in accordance with Federal and State standards.

Zoning Ordinance: The Zoning Ordinance in effect where subdivision is located.

Article III Review Procedures

Section 1 General Provisions

1.01 Approval Procedure: All subdivisions, excluding Certificate of Survey subdivisions, shall follow a three step approval process: Concept Plan, Preliminary Plat and Final Plat.

1.02 Official Submission Date:

- a. Concept Plan: A complete Concept Plan may be submitted at any time and acted upon within: 15 days.
- b. Preliminary Plats: A complete preliminary plat application shall be submitted at least 35 days prior to the Planning Commission meeting at which the applicant desires to have the application heard.
- c. Final Plats: A complete final plat application shall be submitted at least 75 days prior to the County Board meeting at which the application is to be heard.

1.03 Coordination with Minnesota Environmental Quality Board Requirements: No subdivision

may proceed beyond the Concept Plan stage when it has been determined that an Environmental Review is required in accordance with State regulations. The subdivision may proceed after completion of the Environmental Review and it shall reflect the results of the review. Determination of the need for an Environmental Review shall be made at the Concept Plan phase. (See appendix for items falling under Environmental Review).

- 1.04 Coordination of flexible zoning devices with Subdivision Plat approval. (See appropriate provisions in Zoning Ordinance).
 - a. Only one application shall be required when a subdivider utilizes flexible zoning devices such as Planned Unit Developments.
 - b. The application and approval process shall conform with the intent of both regulations and be formulated so that such applications be approved in an efficient and orderly manner.
 - c. This provision shall not be in effect within towns that have their own zoning authority unless that town develops a means to coordinate flexible zoning with subdivision plat approval.
- 1.05 Moratoriums: All moratoriums shall be done according to St. Louis County policy and adopted by ordinance.
- 1.06 Length of Approval: Unless the Director grants an extension, approvals of Concept Plans and preliminary plats are valid for one year from time of approval.

1.07 Appeal of Decisions:

- a. If the developer disagrees with the Concept Plan comments, the developer may proceed with the preliminary plat without incorporating the comments. The developer should explain in the preliminary plat application the reasons for not incorporating the comments.
- b. Decisions made by the Commission may be appealed to the Board. Notice of the intent to appeal shall be submitted to the Director within 30 days of the Commission's decision.
- c. Decisions and interpretations made by the Director may be appealed to the Commission.

1.08 Alterations in Subdivision Design:

- a. Unless an appeal is made and granted, there shall be no change in the final plat submitted to the Board from the intent of the Commission's approved preliminary plat.

- b. Once a final plat is recorded, there shall be no changes in a subdivision that will result in an increase in number of lots, reduction of common areas, relocation or new construction of roads, or alteration in deed restrictions specifically required by the Board as a condition of plat approval, unless a rearrangement is approved by the County Board.

Section 2 Concept Plan Requirements

- 2.01 Discussion of Requirements: Prior to submission of a Concept Plan, the developer should discuss with the Director the requirements for plat approval. In addition, when the proposed subdivision is located in a Town that is not under County zoning requirements, the developer shall discuss with the appropriate Town official the applicable zoning requirements.

- 2.02 Concept Plan Application Contents:
 - a. Applications for a Concept Plan shall be on an application form approved by the Commission and shall include the following:
 - 1. Name, address, and phone number of the property owner, the developer and, if available, the registered land surveyor, and the developer's attorney, and subdivision designer.
 - 2. Existing zoning, and if land is not under County zoning, a listing of applicable lot dimension requirements.
 - 3. Listing of all existing and proposed restrictive covenants and easements if known by the developer.

4. Total approximate acreage of parcel.
 5. Listing of proposed uses within the subdivision and intended road classifications.
 6. General soils information from the Soil Conservation Service, or, if available, percolation test rate results and other developed soils information.
 7. Other reasonable and pertinent information as may be required by the Director.
- b. A map of the proposal drawn to a rough scale of not less than 1:200 shall be submitted with the application form and such map shall contain the following:
1. Legal description.
 2. Name of proposed subdivision.
 3. Graphic scale.
 4. Date of preparation.
 5. North arrow.
 6. Number, location and approximate acreage of lots.
 7. Water courses and significant natural features including wetlands shown on

the National Wetland Inventory Maps.

8. Location of proposed street rights-of-way.
9. Approximate location of existing structures on property.
10. Location of any areas intended to be set aside for public or community purposes.
11. Topography showing contours at 10 foot intervals.
12. Adjacent lands owned by the applicant.
13. Location of percolation test holes, if available.
14. Other reasonable and pertinent information as may be required by the Director.

2.03 Concept Plan Review

- a. The Director shall submit Concept Plan copies to the following agencies:
 1. County Health Department
 2. County Highway Department
 3. Town where subdivision is located
- b. The Director shall have 15 working days to review a Concept Plan and return comments to the developer. The Highway and Health Departments shall send to the Director any

comments they may decide to make within 10 working days of receiving a Concept Plan.

- c. The Director may require a revised Concept Plan if during review numerous revisions are required.
- d. The Director shall forward a copy of the final Concept Plan and appropriate comments to the Town where proposal is located.

Section 3 Preliminary Plat Requirements

3.01 Applications shall be on a form developed by the Commission and fifteen copies shall be submitted.

3.02 The following information shall be submitted in written form:

- a. Names, addresses and phone numbers of the property owner, developer, designer, registered land surveyor and attorney.
- b. Preliminary title opinion that contains an explanation of existing and proposed deed restrictions, easements, as well as details on all ownership interests and liens upon proposed and/or existing: roads (including explanation of access to property if not by publicly maintained road), right-of-ways, public walkways, parks and open space, and other proposed community and public areas.
- c. General soils information from the Soil Conservation Service or, if available, percolation test results or any other specific soils information.
- d. Statement on method of sanitary waste disposal and water system to be used.

- e. Explanation of proposed or prohibited uses within the subdivision as proposed by the developer.
- f. When required by the Commission, an erosion control plan that addresses erosion control during and after construction.
- g. When required by the Commission, a plan for vegetative preservation and landscaping.
- h. Name, address and location of fire department responsible for providing protection.
- i. Explanation of proposed road maintenance responsibility.
- j. Explanation of any future subdivision or staged development plans.

k. Certificates of location of Government
Corners to be used to complete
survey. This information shall be sent
directly to the County Surveyor and be done in accordance
with the policies of the County Surveyor.

- l. Other information as may be required by the Director or Commission.

3.03 The following information shall be on a map(s) drawn to a scale of not less than 1:100.

- a. Proposed name of subdivision which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County.
- b. Legal description of parcel.

- c. Individual approximate lot dimensions and acreage.
- d. Approximate location, right-of-way, curve radii, radius and length of cul-de-sacs, street grades where grade exceeds 8%, angle of intersections of all existing and proposed streets.
- e. Graphic scale and north point.
- f. Index map drawn to suitable scale showing that part of the section in a manner that properly determines the location of the subdivision.
- g. Date of preparation.
- h. Street profiles (may be on separate map) where proposed street grades exceed 8% when required by the Director.
- i. Topographic data showing contour intervals of ten feet.
- j. Lot layout, block and lot numbers, and areas set aside for public and community purposes.
- k. Major drainageways.
- l. Soils map showing soil types, rock outcrops, water courses, marshes, and wooded area. U. S. G. S. topographic maps and information from the Soil Conservation Service may be used unless the developer has access to more detailed information. The applicant shall also show wetlands as designated on the National Wetlands Inventory Maps.

- m. Location of all known wells either abandoned or in operation.
- n. Existing utility corridors.
- o. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.
- p. Location of 100-year flood plain areas from existing maps or data.
- q. Other information as required by the Director or Commission.

3.04 Field markings of subdivision. The developer shall place in the field posts, stakes or flags showing the approximate outer boundaries of the subdivision.

3.05 Preliminary Plat Review Process.

- a. The following shall receive a copy of the Preliminary Plat: County Health, Surveyor, Highway and Communications Departments, Township where plat is located, Townships or cities within two miles of proposed subdivision, fire department, school district, Minnesota Department of Transportation when proposal is adjacent to a State highway, Minnesota Department of Natural Resources.
- b. Those receiving a copy of the Preliminary

Plat should make recommendations to the Director within 30 days.

- c. Adjacent property owners shall be notified of the proposed subdivision and public hearing at least ten days prior to the hearing.

- d. The subdivision shall be considered at a public hearing scheduled for the first regularly scheduled Commission meeting after the expiration of the 35 day review period.

- e. The Commission after the conclusion of the public hearing shall make a determination regarding the proposal. The Commission may take any one of the following actions:
 - 1. Reopen the public hearing requiring the developer or Director to obtain additional information.

 - 2. Recommend approval of the subdivision with conditions.

 - 3. Recommend denial of the subdivision on specific grounds.

 - 4. Recommend approval of the proposal as submitted.

3.06 Effect of Approval. Approval of the preliminary plat is an acceptance of the general layout and indicates that the developer may proceed toward fulfilling the necessary steps for final plat approval in accordance with the terms of approval. Such approval does not constitute final acceptance of the subdivision.

Section 4 Final Plat Requirements

- 4.01 Revised Preliminary Plat: The Director may require the developer to submit a revised preliminary plat based on the Commission's approval if such a copy is needed to insure that the intent of the Planning Commission approval is being followed. If the Director and developer disagree as to the intent of the Commission's approval the developer or Director may submit the revised copy to the Commission for final determination of intent.
- 4.02 Application for final plat approval shall be on forms approved by the Commission and shall conform with all previous approvals.
- 4.03 Prior to preparation of the plat for recording the developer shall submit five copies of the following:
- a. Preliminary title opinion detailing all existing mortgages, liens and easements that affect the property together with an updated abstract of title or a certificate of title together with a registered property certificate.
 - b. Articles of Incorporation of any required homeowners association.
 - c. Plan for maintenance of improvements prior to government maintenance of such community improvements.
 - d. Copy of any required deed restrictions, easements or purchase agreement requirements.

- e. Letters of approval of access to private, town, county, state or federal highways from pertinent land owners or agency.
- f. Name, address and phone numbers of developer, property owner, registered land surveyor, and attorney.
- g. Statement on method developer will utilize to satisfy improvement requirements.
- h. The registered land surveyor placing and establishing the corners and/or monuments shall file a certificate to that effect for each section corner, quarter section corner, meander corner or witness corner in the Office of the Surveyor on a form provided by the Surveyor's Office.

4.04 Five paper prints shall be submitted along with the written statements. The paper prints shall be drawn to scale of not less than 1:100. The prints shall contain the following information:

- a. Data required by Minnesota Platting Statutes.
- b. A diagram, drawn to suitable scale, showing that part of the section subdivision necessary to properly determine the boundaries of the platted area. The diagram shall show all survey corners found or restored and used in making said subdivision. It shall be mandatory that all section and/or quarter section corners necessarily used to create boundary lines for a subdivision plat be permanently marked and properly perpetuated. It shall also be mandatory that all meander corners and/or witness corners also be permanently

marked and properly perpetuated.

- c. Notarized certification by all owners and by any mortgage holder on record and the dedication of streets and other public or common areas in the form approved by the attorney.
- d. All lot corners shall be marked by either iron pipe or iron rods minimum of 1/4 inch diameter; where rock exists a chiseled "X" or drilled plug may be used.

4.05 Final plat review procedure:

- a. The paper prints and written statements shall comply with the intent of preliminary plat approval. Applications shall be submitted within one year of appropriate approvals unless extension is approved by the Director.
- b. The Director shall submit a copy of the print and appropriate information to the Surveyor, Attorney, Highway Department and Town.
- c. Those receiving the final application shall report back to the Director within 60 days. Comments for each agency shall involve the following concerns:
 - (1) Surveyor shall review conformance with Minnesota Platting Regulations and advise the attorney on survey matters affecting title.
 - (2) Attorney shall review the application to determine if the platted property is in the simple ownership of the developer and all legal documents

required by the Commission are adequate to meet the intent of Commission approval.

- (3) The Highway Engineer shall review the proposed road system and make on-site inspections of completed roads to determine conformance with County and Town approvals. The Engineer shall review and approve any bonds or cashier's checks to determine adequacy.
 - (4) The Director shall review the application to determine conformance with Commission approval.
 - (5) The Town shall review the application to determine conformance with Commission adopted Town requirements.
- d. If during the 60 day review period it is determined that improvements or alterations in the application are necessary the developer shall make such changes. The developer has one year to make such changes and failure to do so within this period shall result in nullification of all previous County approvals. The Director shall have authority to extend the one year period if significant progress is being made by the developer to make necessary corrections in the application.
- (1) Once the application has been corrected the developer shall reapply for final plat approval and the appropriate agencies shall have 60 days to review the application.
- e. Upon approval of all appropriate reviewing authorities the final plat shall be

submitted for the County Board approval no later than 75 days after submission of the final plat application by the developer.

- f. Upon approval by the Board the developer shall submit to the Director one reproducible mylar print or other permanent prints suitable for recording and meeting the requirements set forth in State statute and County policy.
- g. The Director shall submit the plat and fee for recording in accordance with State statute and County policy. Recorder shall not accept any plat not presented for recording by the Director.

Section 5 Alternate Subdivision Plat Review Procedure

- 5.01 The following procedure shall be used with any Town that has its own zoning authority.
 - a. Prior to submission of the Concept Plan the developer shall discuss with the Town the zoning requirements for the area contemplated for development. The developer shall include the zoning requirements when application for Concept Plan approval is made.
 - b. After review of the Concept Plan by the County the developer shall apply for approval from the Town Planning Commission. This approval shall be considered preliminary Town approval.
 - c. No application to the County for preliminary plat approval shall be accepted unless Town Planning Commission approval has been given. All applications to the County shall include a statement from the Town demonstrating Town Planning Commission

approval. The application shall reflect any conditions of Town approval.

- d. The Commission in reviewing the preliminary plat shall consider Town conditions of approval and the requirements stated in these resolutions. If Commission preliminary approval differs from Town approval the Town Planning Commission may either accept the County recommendations or request a conference with the County Planning Commission to compromise the differing requirements.
- e. Upon reaching an agreement on preliminary approval the Town Planning Commission shall consider final plat approval.
- f. The developer may submit to the County application for final plat approval in accordance with these regulations after Town final approval has been given.
- g. The chairman and secretary of the Town Planning Commission shall sign the plat for recording.

Article IV Design and Improvement Requirements

Section 1 Survey

The survey of all plats shall be done in accordance with Minnesota Statutes and policies of the Surveyor.

Section 2 Lots

- 2.01 Lot arrangement shall be done in a manner that meets the requirements of this Ordinance and the Zoning Ordinance, and On-site Sewage Treatment Ordinance.

- 2.02 Side lot lines shall be as near at right angles to street lines as possible.
- 2.03 Dimensions of corner lots shall be of sufficient size to allow for erection of buildings observing the minimum frontyard setback from both streets.
- 2.04 Double frontage lots shall be avoided except where necessary to provide separation of residential development from arterials or major collectors or to overcome specific problems due to orientation of topographic requirements.
- 2.05 Limited access to certain roads. Lots shall not derive access exclusively from an arterial or major collector road. Where driveway access from an arterial or major collector cannot be avoided, the Commission may require that such lots be served by a combined access drive.
- 2.06 Large lots: In water and sewer service areas where proposed lots are double the minimum lot area requirements, the Commission may require buildings placed so as to permit further lot division.
- 2.07 Outlots shall be set aside solely for nonbuilding purposes and no Land Use Permits shall be issued for structures on outlots unless specifically approved by the Commission through the conditional use process. Outlots may be eliminated through resubdivision approved by the County.

Section 3 Blocks

- 3.01 In residential areas, blocks shall generally not be less than six hundred

(600) nor more than fourteen hundred (1,400) feet in length measured along the greatest dimension of the enclosed block area, unless minor variations are necessitated by topography or conformance with adjoining plat. Wherever practicable, blocks along arterials and major collectors shall be not less than one thousand feet in length.

- 3.02 Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of streets, railroad access right-of-way, and utilities shall be provided as necessary.
- 3.03 For blocks over eight hundred (800) feet in length, the Commission may require one or more public walkways within an easement not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary at intervals not closer than four hundred (400) feet.
- 3.04 Blocks shall be wide enough to allow two tiers of lots except adjoining a lake, stream, railroad or thoroughfare or where one tier of lots may be necessary because of topographic conditions.

Section 4 Roads

- 4.01 All roads leading to a proposed subdivision

shall be adequate to handle increased traffic resulting from the proposed subdivision. If the Commission determines that a road is inadequate, the Commission may reject the subdivision, reduce the number of lots, or require development in stages. Inadequate roads may be roads of unclear or non-existent right to use, poor bridges, soil conditions that would make it unable to support additional traffic, driving surface width of less than 18 feet, steep slopes, and inadequate material on driving surface. The County or Town government is under no obligation to improve a road that would be made inadequate as a result of a new subdivision.

- 4.02 Road names shall be approved by St. Louis County and shall be named in a manner that would result in efficient identification by emergency vehicles attempting to locate an address within the subdivision. Generally, roads that are a continuation of a previously named road shall continue on with that name and road names that are not a continuation of an existing road shall not be duplicated within the specific emergency response service area.
- 4.03 Road signs shall be established and paid for by the developer in accordance to State, County or Town standards.

- 4.04 All roads shall be dedicated to the public unless a waiver is granted by the Commission and approved by the Board to permit a private road.
- a. Any private road approved by the Board shall be constructed in accordance with the standards set forth in this Ordinance unless additional waivers are approved.
 - b. No private road shall be approved unless specific mechanisms for road maintenance have been approved by the Board and Town.
 - c. The County shall have the authority to approve a private road for a designated period of time prior to the County or Town agreeing to maintain the road.
- 4.05 Roads shall be designed to minimize erosion to public waters during the construction and long-term use. Roads should be placed in a manner that maximizes screening from public waters. Roads should be placed at least at the structure setback and shall not be placed within the bluff and shore impact zone unless no alternatives exist and such a road can be designed to minimize the impact upon the water.
- 4.06 Driveways shall be placed to avoid sanitary disposal sites and expansion areas. Driveways shall be constructed in a manner that minimizes erosion and avoids the shore and bluff impact zones. The Commission, in environmentally sensitive areas, may require joint driveways or require a specific location for an individual driveway.
- 4.07 The arrangement of roads shall provide for

the continuation of roads between adjacent properties if necessary for convenient movement of traffic.

- 4.09 Half or partial roads will not be permitted unless the complete and existing constructed half road is within a proposed subdivision when a proposed subdivision is adjacent to a platted half street or right-of-way. The Commission may require the completion of such a street or right-of-way within the proposed subdivision.
- 4.10 Dead-end roads shall be prohibited, except when designed as cul-de-sac roads or as stubs to permit future road extension into adjoining tracts; such stubs shall have a 50 foot radius turn-around.
- a. When a temporary cul-de-sac is removed as a result of an extension of the former stub road, the land formerly part of the cul-de-sac and not needed for right-of-way shall revert to adjacent property owners.
- 4.11 Cul-de-sac roads shall generally be no longer than 800 feet and shall not serve more than 10 lots. Finished turn-around radius shall not be less than fifty (50) feet.
- Temporary cul-de-sacs shall not be shown on the final plat.
- 4.12 Road access shall be given to all lots in the subdivision and to adjacent parcels unless topography clearly indicates that such connection is not feasible. Roads shall be improved to the standards set forth in this Ordinance except access intended solely for adjacent unsubdivided

parcels do not have to be improved unless so required by the Commission.

4.13 Existing private roadways may not necessarily be located to form the most appropriate road system within the proposed subdivision and, therefore, the Commission may require alternate routes and alteration in design in accordance with road requirements set forth in this Ordinance. If the Commission permits continuation of the existing roadway such roadway shall be dedicated to the public unless a waiver is approved by the Commission.

4.14 The developer of a proposed subdivision may be required to construct to the nearest publicly maintained road an access road within any dedicated but not constructed right-of-way that abuts the land being proposed for development. The Commission shall require such construction when it would result in a roadway system that advances the public's safety and general welfare and when future residents of the proposed subdivision would primarily benefit from such construction.

4.15 The following road design standards are hereby established and all proposed subdivisions shall implement them unless waivers are approved:

A. Minimum Right-of-Way:

Arterial & Major Collector	150 feet
Neighborhood Collector	80 feet
Local and Forest Roads	66 feet
Cul - de - Sac Radius	50 feet

B. Minimum Driving Surface:

All roads except Forest Roads	26 feet
Forest Roads	20 feet

C. Minimum surface slope from shoulder to center line:
1/4 inch per foot.

D. Shoulders and backslopes shall be constructed to a three to one (3:1) ratio. The ditch depth where topography permits shall be a minimum of two feet below the shoulder point.

E. All roads shall be constructed on a stable base as approved by the Engineer. The Commission may, when traffic levels warrant, waive the Class V gravel requirement. However, no waiver may be approved from the stable base standard.

F. All roads shall have a minimum of five inches of Class Five gravel. The Commission may require paving of roads if any of the following circumstances exist.

- a. Town policy requires paving.
- b. More than twenty lots in the proposed subdivision will use the road or, through staged development, there will be twenty or more lots.
- c. Topographic or soil conditions would

require a paved surface.

- G. Culverts across roadways shall be a minimum of 15 inches in diameter. The developer shall place all culverts required by the Engineer and such culverts shall be so designed to handle existing and proposed drainage patterns.

- H. Horizontal Curves: Where a deflection angle of more than five (5) degrees in the alignment of a street occurs a curve of reasonably long radius shall be introduced, to-wit: on streets sixty-six (66) feet or more in width, the center line radius of curvature shall be not less than three hundred (300) feet.

- I. Vertical Curves: All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen times the algebraic difference in rates of grade for thoroughfares and one-half this minimum length for other streets. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals one hundred (100) feet horizontal, and one inch equals twenty (20) feet vertical, may be required by the Engineer if topographic conditions warrant. A 300 foot minimum sight distance shall be provided.

- J. Maximum road grade shall be 10 percent. The Engineer may require road profiles when grades exceed 8 percent.

- K. Roads shall be laid out so as to intersect

at right angles. The developer may apply for a waiver when such an intersection is not feasible, but in no case shall an intersection of two roads be at less than 70 degrees.

- L. Intersections shall be designed with as flat a grade as possible.
- M. Bridges of primary benefit to the developer shall be constructed at the full expense of the developer according to County and State standards.
- N. Nothing in this Ordinance shall prohibit a Town from establishing more restrictive road standards on those roads which are intended to be a Town maintenance responsibility. When a Town has less restrictive road standards the developer may apply for waivers to construct the planned roads to such standards.

Section 5 Easements

- 5.01 Utility easements shall be addressed on an individual basis by the developer with the affected utility. It shall be the policy of the Commission that sewer, water, and gas utilities be placed in the road right-of-way while electric utility easements may

either be within the road right-of-way or along the adjoining backs of lots. The Commission may require the developer to present evidence that the proper utilities have been consulted. Minimum utility easement width shall be fifteen feet when such easements are not within the road right-of-way.

- 5.02 Walk and bikeway easements may be required by the Commission to facilitate access between lots and provide access to schools, parks, commercial centers and other community activities. These accesses shall be a minimum of ten feet wide.
- 5.03 Water Access for back lots: If authorized by the Planning Commission lots intended as controlled accesses to public waters or recreation areas for use by owners of nonriparian lots within subdivisions must meet or exceed the following standards:
- (1) They must meet the width and size for residential lots, and be suitable for the intended uses of controlled access lots. If more than six watercraft will be docked, moored, or stored on such a parcel, then the width of the lot must be increased by 25 percent of the requirements for riparian residential lots.
 - (2) They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.
 - (3) Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed.

Section 6 Energy Conservation Guidelines

- 6.01 It is the policy of St. Louis County to encourage development that promotes energy conservation. The following guidelines should be considered by the developer when proposing a subdivision:
- A. Streets and lots should be situated so dwellings may maximize exposure to the south or southeast. Generally, this will result in homes on a long east-west axis with a maximum degree variation of 10 degrees to northwest and 25 degrees to southwest.
 - B. Utilize hills and evergreen trees on north and northwest for wind screening.
 - C. Utilize deciduous trees on south and east for shading.
 - D. The use of cluster subdivisions should be considered.
 - E. Easements assuring light for solar energy for each lot.
 - F. Walk and bikeways to neighborhood commercial and community facilities could be considered or a location set aside for such commercial activity.
 - G. Paving should be minimized adjacent to buildings.

Section 7 Recreation and Public Lands

- 7.01 Lands designated on a County or Town plan for public purposes and located within a

proposed subdivision shall be set aside by the developer for 18 months after final plat recording to permit the appropriate government an opportunity to purchase the land. If no attempt to purchase the property is made within 18 months or the government agency determines there is no longer any need for such land, the developer may subdivide the lots in accordance with the preliminary plan approved by the Commission.

7.02 Property owners recreation needs shall be addressed by any developer who divides forty acres or more as a major subdivision by the creation of common recreation areas in accordance with the following table and requirements:

Development Density Based on Average Dwelling Units per 40 Gross Acres	Percentage of Total Land in Subdivision to be Reserved for Recreational Purposes
*10 dwellings per 40 acres or less	0%
*10.1 - 20 dwellings per 40 acres	5%
20.1 dwellings per 40 acres or more	10%

*If additional development is being considered or there is potential for additional development on more than 60 acres, the next highest percentage requirement shall apply.

A. Subdivisions with lake frontage are exempt from this provision provided all lots proposed have water frontage.

- B. Wetlands, ponds and land with slopes in excess of 15% may be used for recreational areas only upon specific approval by the Commission, and not more than 50% of the recreational area may include such land. In addition, all recreational areas shall be readily accessible by all subdivision residents.

7.03 Cash in lieu of dedication. Whenever the Commission determines that an area's recreation would best be served by improving an existing or planned central recreation facility, a cash payment may be made in place of reserving land within the subdivision.

- A. The Board by resolution shall determine the level of payment on a per lot created basis.
- B. All payments received from the developer shall be set aside in a special account that can solely be used for recreational needs of residents of the area in which the subdivision is located.

7.04 Effectuation. Sections 7.02 and 7.03 shall take effect upon resolution by the appropriate Town Board or County Board within unorganized Towns.

Section 8 Preservation of Natural Features and Amenities.

- 8.01 Lot lines shall be placed in a manner that no structure may be placed within 50 feet of an unplatted cemetery protected under Minnesota Statute unless approval is obtained from the State Archaeologist. No lot line may be placed in a manner that

affects the values of an historic site unless approved by the appropriate historical organization. The Commission, when a platted documented potential for historical or archaeological sites exists, may require a survey to be paid for by the developer.

Section 9 Health, Safety and Resource Preservation Standards.

9.01 All lots created under this Ordinance shall have a suitable site for the intended use in a manner that would not have a significant adverse impact upon the environment. The County, in its land suitability analysis, shall consider susceptibility to flooding, wetlands, soil and rock conditions, erosion potential, topography, drainage, adequacy of water supply, suitability for on-site sewage treatment, near shore aquatic conditions, important fish and wildlife habitat, or any other feature of the natural land likely to be harmful to the health, safety or welfare of the area.

9.02 Drainage: All subdivision review must consider drainage of stormwater. The Commission shall have the authority to require an engineer prepared drainage study when the Commission believes that the possibility exists that a particular development has the potential for adversely impacting either adjacent lands or the local

watershed.

The Commission may, regardless of whether or not a drainage study has been completed, require specific actions regarding storm water management. Generally, those actions may include:

- A. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration

rather than buried pipes and man-made materials and facilities.

- D. Impervious surface coverage of lots must not exceed that permitted by the Zoning Ordinance.
- E. When constructed facilities are used for stormwater management, they must be designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- F. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

9.03 Erosion Control. No land disturbing activity in conjunction with platting shall be undertaken except in accordance with the following guidelines:

- A. No slope may be graded greater than the angle of repose for saturated soil conditions, unless the soil material on such slope is retained by some adequate erosion controlling structure or other stabilizing measures including, but not limited to, drains, rip rap, sod, walls, etc., as approved by the Director. In any event, soil material left exposed shall be provided with a ground cover sufficient to restrain erosion within 20 working days of completion of any phase of soil disturbing activity.

- B. Whenever land-disturbing activity is undertaken on a tract comprising more than one contiguous acre, a ground cover sufficient to restrain erosion must be planned or otherwise provided within 20 working days on that portion of the tract upon which further active construction is not being undertaken, provided that this subsection shall not apply to cleared land forming the basin of a reservoir later to be inundated.
- C. The subdivision plan shall be fitted to the topography and soils so as to create the lowest erosion potential.
- D. Natural vegetation shall be generally retained and protected and when such vegetation is not retained or sufficient to restrain erosion, revegetation shall be established.
- E. Only the smallest practicable area of land shall be exposed at any one time during development.
- F. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed when required by the County and maintained to remove sediment from run-off waters from land undergoing development.
- G. Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development.
- H. The permanent final vegetation and structures shall be installed as soon as practicable in the development.

- I. The land alteration standards found in Article VI, Section 12 of the County Zoning Ordinance shall be complied with.

9.04 Wetlands: All lots shall have sufficient building, sewage treatment site, and driveway area to avoid draining or filling of wetlands. Subdivision roads and other common facilities shall be reviewed in accordance with the sequencing standards for wetland impacting found in State regulations and the County Zoning Ordinance. All Federal and State permits must be obtained for such wetland impacts prior to impacting of said wetlands.

9.05 Bluffs.

All lots created shall have a buildable site outside the bluff and bluff impact zone as defined in the County Zoning Ordinance.

9.06 Sanitary Waste Disposal Performance Standards.

A. When required by the Director or the Health Department, the developer shall perform percolation tests or furnish soils data as required by and complying with the standards of the Health Department. The test standards listed below shall be used unless specifically altered by the Director.

1. Test holes to a three foot depth shall be provided every three lots or where soil characteristics change. Percolation tests may be required if specified by the Director or the

Health Department.

2. Six foot deep test hole every twelve lots at lowest point (minimum - two per subdivision).
 3. Test holes shall be left open but suitably covered to prevent accidents and the Director or Health Department notified in writing that the holes are available for inspection. Inspection shall be made within ten (10) working days after notification after which the holes shall be filled by the developer.
- B. All lots created shall conform to the following performance standards which are based on the existence of the following limiting factors on each lot:
1. On-site water supply.
 2. Percolation rate more than 60 minutes/inch or less than 0.1 minutes/inch.
 3. Water table/bedrock less than five (5) feet.
 4. Slope more than 18 percent.
 5. Slope more than 6 percent in soils with percolation rate between 30 and 60 minutes/inch.
 6. Slope more than 3 percent in soils with percolation rate greater than 60 minutes/inch.

7. Electricity unlikely to be brought to property within 5 years.

All lots created must have an acceptable site for on-site sewage treatment and an equal area set aside in an undisturbed expansion area. Permanent driveways and building sites shall not be located in the area set aside for on-site sewage treatment or expansion area.

In order to meet this requirement, the Planning Commission shall use the following lot size and width standards as a guide in determining lot size:

1. Minimum lot area of one acre with a minimum lot width of 150 feet if one limiting factor present.
 2. Minimum lot area of two acres with a minimum lot width of 200 feet if two limiting factors are present.
 3. Minimum lot area of 4.5 acres with a minimum lot width of 300 feet if three limiting factors are present.
- C. The existence of excessively high water table, bedrock, lack of original soil, or excessive slope may be grounds for rejection of the plat or lot.

9.07 Water and Sewer Systems

- A. Proposed subdivisions located within the service area of or within a reasonable distance of a public water or sewer system shall, at the time of the preliminary

application, consult with the appropriate utility regarding extension of services to and construction of such services with the subdivision. Both water or sewer systems shall be constructed to the requirements of the appropriate utility and to appropriate State or Federal standards. The system shall be constructed at the expense of the developer.

- B. When proposed by the developer or when required by the County, a common water or sewer system shall be constructed by the developer. Such systems shall meet all pertinent County, State or Federal requirements. A public utility, sanitary district or homeowners association shall be organized for the purpose of operation and maintenance of such common systems and appropriate legal covenants recorded.
- C. Individual on-site water supply or sewage treatment systems shall meet all pertinent County or State requirements.

9.08 Flood Hazard. All lots shall have buildable sites as defined by Federal, State and County flood hazard regulations and standards. The developer may provide additional information regarding flood hazard boundaries and, if such information is accepted by the responsible government jurisdiction, then the Commission shall utilize those figures in determining the adequacy of lots relating to flood hazards.

Article V Assurance of Performance and Completion.

Section 1 Improvements, Bond and Cashier's Checks, Acceptance of Dedication Offers.

1.01 Completion of Improvements. Before the plat is signed by the Chairman of the County Board, all developers shall complete, to the satisfaction of appropriate government agencies, all improvements as required in this Ordinance and as approved by the Planning Commission, and to dedicate to the public, free and clear of all liens and encumbrances on the property all public improvements required to be so dedicated.

1.02 Financial Assurances.

- a. The Planning Commission or Board may, at its discretion, waive the requirement that the developer complete and dedicate all public improvements prior to recording of the subdivision plat. If the County so waives this requirement the developer shall submit to the Director financial assurances in an amount designated by the County and in a form acceptable to the County. The financial assurances may include but is not limited to: a bond executed by a surety company; an irrevocable letter of credit in favor of the County issued by a banking institution approved by the County; a cash deposit in an approved financial institution in an account established in the name of the County.
- b. The amount of financial assurances shall be reviewed by the Director who shall have the authority to adjust the bond totals if the amount is not reflective of projected costs.
- c. If improvements have not been installed

within the terms of such financial assurances, the local or County government may bring actions for recovering or forfeiture of the financial assurances.

1.03 Release of financial assurances.

- a. Upon completion of all required improvements, the developer shall notify the Director in writing. The Director shall, within a responsible period of time, arrange for inspection of improvements. The Director shall notify the appropriate Town upon receiving the notification. The Town shall have 10 days to make any inspection of its own. If all improvements are satisfactorily completed, the financial assurances shall be released.

1.04 Acceptance of Dedication Offers.
Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by resolution or other appropriate action of the local governing body. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by any government of any street, easement, or park shown on said plat. The Planning Commission or County Board may require said plat to be endorsed with appropriate notes to this effect.

Section 2 Maintenance of Improvements

- 2.01 The developer at the time of preliminary plat submission shall provide a plan for maintenance of improvements until the appropriate government agrees to accept the

improvements for maintenance. The plan shall be approved by the Planning Commission and the Attorney.

- 2.02 The developer shall be responsible for maintenance of improvements either through a homeowners' association or through other arrangements approved by the Attorney.

Section 3 Deed and Purchase Agreement

3.01 Specific deed restrictions or informational statements on purchase agreements may be required by the Commission in order to protect lot purchasers and area residents from environmental and economic hardships. All such restrictions and statements shall be approved by the Attorney.

- A. Upon initial sale of each lot a copy of the purchase agreement shall be sent to the Director.
- B. The purchase price and other confidential data, except purchaser's name and address, may be excluded from submission.

Section 4 Homeowners' Association

4.01 Homeowners' association shall be organized by the developer for any subdivision containing common areas such as recreation areas or private roads unless another mechanism for maintenance is approved by the Board. This association shall be responsible for maintenance and administration of common areas. All

associations shall meet the following requirements:

- A. Articles of Association shall be reviewed by the Attorney and recorded.
- B. The documents setting forth the duties, responsibilities and liabilities of the association shall be reviewed and approved by the Director and Attorney. All associations shall meet the following minimum standards:
 - (1) Membership shall be mandatory for all property owners.
 - (2) The association shall be responsible for all taxes, assessments, insurance improvements and maintenance of common property.
 - (3) The association shall have suitable means to raise funds to administer duties of the association.
 - (4) Provisions for an annual independent audit of the association.
 - (5) Access through common areas by emergency vehicles while in pursuit of duties shall be permitted.
 - (6) The developer shall submit to each lot purchaser, in nontechnical terms, information regarding association management, assessment and other programs. This information should cover the following: Organizational structure of the association, membership and voting rights of homeowners and developer, requirements

of dissolution, the formula for the maximum amount of assessments, and methods of enforcement, use of user fees, nature of common property, services provided by the association, architectural and building maintenance requirements.

Article VI Conformance with Regulations and Enforcement.

Section 1 State Regulations. No subdivision shall be recorded that does not meet with the requirements of State statutes or regulations including: Shoreland Management Act, Minnesota Subdivided Land Sales Practices Act, and Minnesota Platting Regulations.

Section 2 Local Regulations. It shall be unlawful to sell, lease, trade, or otherwise convey any land not in accordance with these regulations and other regulations including but not limited to zoning, sanitary and comprehensive plan regulations.

2.01 The Director shall be notified by any County department, including the Auditor, Assessor and Recorder, of any information that shows a violation of this Ordinance may have or will occur.

Section 3 Enforcement

3.01 Violation defined. Any person, firm, corporation who violates or intentionally aids, advises, hires, counsels, or conspires with or procures another or others to violate this Ordinance shall be guilty of a misdemeanor. All fines for violations shall be paid to the County and shall be credited to the general revenue fund. Each day the violation is

permitted to exist shall constitute a separate offense.

3.02 No St. Louis County land use, conditional use or sanitary permits shall be issued to any person, firm or corporation that participates in the violation of this Ordinance.

3.03 Injunctive Relief. St. Louis County may enforce all provisions of this Ordinance through such proceedings for injunctive relief as may be proper under the laws of Minnesota. The County Board, or any member thereof, upon notification from the Planning Director, may initiate action to prevent, restrain, correct or abate violations or threatened violations. The County Board may at a later date vote to discontinue proceeding.

3.04 No government agency shall be required to maintain, serve or operate any public facility at or to a subdivision that did not receive required approvals.

Article VII Fees

Section 1.01 The Board shall establish by resolution a schedule of fees applicable to applications and inspections in the subdivision approval process. The fee schedule resolution shall be attached to this Ordinance when distributed to the public. The schedule of fees may be altered or amended by County Board resolution.

1.02 No application for plat review or inspections shall be recognized, acted upon, issued, or granted unless and until all required fees have been submitted in

full by means of cash, check, or money order. Receipt of fees shall be subject to their collection by the County. If a fee is submitted by check or money order, no permit granted or action taken shall be of any force or effect until the check or money order submitted shall prove collectible.

- 1.03 No refunds of fees can be made after the County has started work which the fee was intended to cover.

Article VIII Repeal of Existing Ordinances

- 1.01 All subdivisions having received preliminary approval under this ordinance as adopted December 31, 1979 or receiving preliminary approval within 30 days of effectuation of this ordinance as amended on July 13, 1993 may continue under the requirements set forth under the prior existing regulations provided application for final plat approval is received within one year of effectuation of this Ordinance.

Article IX Validity

- Section 1 Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Article X Amendments

Section 1 General

- 1.01 This Ordinance may be amended whenever

the public health, safety, convenience and general welfare would best be served by such amendment.

Section 2 Procedures

- 2.01 An amendment to this Ordinance may be initiated by the County Board or Planning Commission. An amendment not initiated by the Planning Commission shall be referred to it for study, hearing, and report to the County Board.
- 2.02 Public hearings on amendments, including requirements of notice to the public, shall be conducted pursuant to Minnesota Statutes regulating the adoption of ordinances by counties.
- 2.03 Written notice of the public hearing on all amendments, along with the proposed amendment, shall be sent to the governing bodies of all Towns and Municipalities located within the County.
- 2.04 After conducting a public hearing on an amendment, the Planning Commission shall report to the County Board within 30 days of the close of the hearing. Upon filing of a report by the Planning Commission, the County Board, in the manner prescribed by Minnesota Statutes, may, by ordinance, adopt the amendment, any portion thereof, or make modifications provided the intent of the original amendment is not altered, as it deems advisable.

ARTICLE XI

EFFECTUATION

- SEC. 1 This Ordinance shall take effect and be in full force on the _____13th____ day of _____July_____, 1993, upon its adoption by the St. Louis County Board of Commissioners, and its publication in the official newspaper of St. Louis County as provided by Minnesota Statutes.
- SEC. 2 Public hearings were held by the St. Louis County Planning Commission on April 8, 1993, and by the St. Louis County Board of Commissioners on July 6 and July 13, 1993.

SEC. 3 Recommended by the Planning Commission to the County Board for adoption on the 8th day of April, 1993.

SEC. 4 Commissioner _____ moved the adoption of this Ordinance, and Commissioner _____ duly seconded the motion and it was adopted on the following vote:

Yeas:

Nays:

Absent:

Abstain:

This Ordinance was declared adopted by the St. Louis County Board of Commissioners on the 13th day of July, 1993.

accurate

Chairman, County Board

Certified as a complete and
copy of Ordinance No. 33

RUSSELL PETERSEN, County Auditor

ATTEST:

Karen Erickson, Deputy Auditor

Clerk of the County Board